

1 Ahilan T. Arulanantham (SBN 237841)  
2 arulanantham@law.ucla.edu  
3 Stephany Martinez Tiffer (SBN 341254)  
4 martineztiffer@law.ucla.edu  
5 CENTER FOR IMMIGRATION LAW AND  
6 POLICY, UCLA SCHOOL OF LAW  
7 385 Charles E. Young Dr. East  
8 Los Angeles, CA 90095  
9 Telephone: (310) 825-1029

10 Emilou MacLean (SBN 319071)  
11 emaclean@aclunc.org  
12 Michelle (Minju) Y. Cho (SBN 321939)  
13 mcho@aclunc.org  
14 ACLU FOUNDATION  
15 OF NORTHERN CALIFORNIA  
16 39 Drumm Street  
17 San Francisco, CA 94111-4805  
18 Telephone: (415) 621-2493  
19 Facsimile: (415) 863-7832

20 Attorneys for Plaintiffs  
21 *[Additional Counsel Listed on Next Page]*

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA  
24 SAN FRANCISCO DIVISION

25 NATIONAL TPS ALLIANCE, MARIELA  
26 GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,  
27 M.H., CECILIA DANIELA GONZÁLEZ  
28 HERRERA, ALBA CECILIA PURICA  
CASTILLO, HERNÁNDEZ, E.R., and HENDRINA VIVAS

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as  
Secretary of Homeland Security, UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY, and UNITED STATES OF  
AMERICA,

Defendants.

Case No. 25-CV-1766

**DECLARATION OF EMILOU MACLEAN  
IN SUPPORT OF PLAINTIFFS' MOTION  
TO POSTPONE EFFECTIVE DATE OF  
AGENCY ACTION**

1 Additional Counsel for Plaintiffs

2 Jessica Karp Bansal (SBN 277347)

3 jessica@ndlon.org

4 Lauren Michel Wilfong (*Pro Hac Vice Application Pending*)

5 lwilfong@ndlon.org

6 NATIONAL DAY LABORER

7 ORGANIZING NETWORK

8 1030 S. Arroyo Parkway, Suite 106

9 Pasadena, CA 91105

10 Telephone: (626) 214-5689

11 Eva L. Bitran (SBN 302081)

12 ebitran@aclusocal.org

13 ACLU FOUNDATION

14 OF SOUTHERN CALIFORNIA

15 1313 West 8th Street

16 Los Angeles, CA 90017

17 Telephone: (213) 977-5236

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1 I, Emilou MacLean, declare as follows:

2 1. I am an attorney at law duly licensed and entitled to practice in the State of  
 3 California. I am a Senior Staff Attorney at ACLU Foundation of Northern California, counsel of  
 4 record in this action for Plaintiffs. I make this declaration in support of Plaintiffs' Motion to  
 5 Postpone Effective Date of Agency Action. I have personal knowledge of the following facts and, if  
 6 called as a witness, I could and would testify competently thereto.

7 **SOCIAL MEDIA POSTS**

8 2. Attached as **Exhibit 1** is a true and correct copy of a February 26, 2024 social media  
 9 post by Secretary Kristi Noem on the X social medial platform using the handle “@KristiNoem,”  
 10 which is also available at <https://x.com/KristiNoem/status/1762195636491825295>. The post contains  
 11 a video in which Secretary Noem states, “Nations like Venezuela are emptying their prisons of  
 12 dangerous criminals to send them to America. They are happy to let America’s open border be the  
 13 solution to their problem.”

14 3. Attached as **Exhibit 2** is a true and correct copy of a February 28, 2024, social media  
 15 post by Secretary Krisi Noem on the X social medial platform using the handle “@KristiNoem,”  
 16 which is also available at <https://x.com/KristiNoem/status/1762650522920652828>. In that post, she  
 17 said, “Venezuela didn’t send us their best. They emptied their prisons and sent criminals to America.  
 18 Deportations need to start on DAY ONE of [President Trump’s] term” in office.

19 4. Attached as **Exhibit 3** is a true and correct copy of a March 6, 2024 social media post  
 20 by Secretary Kristi Noem on the X social medial platform using the handle “@KristiNoem,” which  
 21 is also available at <https://x.com/KristiNoem/status/1765513039795601862>. The post contains a  
 22 video of Secretary Noem discussing immigration and the caption reads, “[c]ountries like Venezuela  
 23 are emptying their prisons, their mental institutions, and sending them to America. The White House  
 24 is facilitating this invasion. They’re doing it on purpose.”

25 5. Attached as **Exhibit 4** is a true and correct copy of a March 14, 2024 social media  
 26 post by Secretary Kristi Noem on the X social medial platform using the handle “@KristiNoem,”  
 27 which is also available at <https://x.com/KristiNoem/status/1768312288560247199>. In the post,

Secretary Noem states, “At least 300,000 illegal immigrants from Venezuela have been encountered at the border. Remember, Venezuela emptied their prisons and told them to come to America.”

6. Attached as **Exhibit 5** is a true and correct copy of a December 9, 2024 social media post by Secretary Kristi Noem on the Instagram social media platform using the handle “@KristiNoem,” which is also available at <https://www.instagram.com/kristinoem/reel/DDVjJnURRqw/>. In the post, she states, “nations like Venezuela are using our open border to solve their own crime and mental health crises.”

7. Attached as **Exhibit 6** is a true and correct copy of a January 28, 2025 social media post by Secretary Kristi Noem on the X social medial platform using the handle “@KristiNoem,” which is also available at [https://x.com/Sec\\_Noem/status/1884264039158800547](https://x.com/Sec_Noem/status/1884264039158800547). The post contains a video in which Secretary Noem, wearing a Police Customs and Immigration Enforcement (ICE) vest, states that she is “getting the dirt bags off the streets” in New York. The caption reads “7 AM in NYC. Getting the dirt bags off the streets.”

## VIDEO TRANSCRIPTS

8. Attached as **Exhibit 7** is a true and correct copy of a certified transcript of a December 16, 2023 campaign speech, along with a screen grab below from the video clip. The video is available for viewing at <https://www.c-span.org/clip/campaign-2024/donald-trump-on-illegal-immigrants-poisoning-the-blood-of-our-country/5098439>. In the video, Donald Trump states that “illegal immigrants are poisoning the blood of our country.”



1       9. Attached as **Exhibit 8** is a true and correct copy of a certified transcript of the  
 2 September 10, 2024 presidential debate, along with a screen grab below from the video clip. The  
 3 video is available for viewing at <https://www.c-span.org/program/campaign-2024/simulcast-abc-news-presidential-debate/648383>. At approx. 29:26, President Trump state that Haitian TPS holders  
 4 are “eating the dogs,” “eating the cats,” and “eating the pets of the people that live” in Springfield,  
 5 Ohio. At approximately 33:40, President Trump states, “They allowed people to come in, drug  
 6 dealers, to come into our country, and they’re now in the United States. And told by their countries  
 7 like Venezuela don’t ever come back or we’re going to kill you. . . . There’s never been anything  
 8 done like this at all. They’ve destroyed the fabric of our country. Millions of people let in.”



17     10. Attached as **Exhibit 9** is a true and correct copy of a certified transcript of an October  
 18 11, 2024 campaign speech by President Donald Trump in Aurora, Colorado, along with a screen  
 19 grab below from the video clip. The video is available for viewing at  
 20 [https://www.youtube.com/watch?v=\\_xguaneoZ5A](https://www.youtube.com/watch?v=_xguaneoZ5A). At approximately the 41:05 minute mark,  
 21 President Trump states “[E]veryday Americans . . . are living in fear all because [former Vice  
 22 President] Kamala Harris decided to empty the slums and prison cells of Caracas [Venezuela] and  
 23 many other places . . . . [A]nd we have to live with these animals, but we’re not going to live with  
 24 them for long, you watch.” At approximately 8:52, President Trump states, “Did you know that

1 Venezuela their prisons are . . . at the lowest point in terms of emptiness that they've ever been?  
 2 They're taking their people out of those prisons by the thousands and they're drop—.”  
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10 11. Attached as **Exhibit 10** is a true and correct copy of a certified transcript of the  
 October 27, 2024 speech by Donald Trump at Madison Square Garden Presidential Campaign Rally  
 along with a screen grab below from the video clip. The video is available for viewing at  
<https://www.youtube.com/watch?v=bzVT4YEYsuI>. In the video, President Trump describes the  
 country as “occupied” by criminal migrants and refers to Venezuelan gang members as “savage”. At  
 approximately 16:13, President Trump states “We’re not going to have a country any longer. That’s  
 who we’re allowing in. The United States is now an occupied country, but it will soon be an  
 occupied country no longer . . . November 5, 2024 . . . will be Liberation Day in America. . . . I will  
 rescue every city and town that has been invaded and conquered.”  
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25 26 12. Attached as **Exhibit 11** is a true and correct copy of a certified transcript of the  
 December 8, 2024 interview with President Trump on “Meet the Press,” along with a screen grab  
 below from the video clip. The video is available for viewing at  
 27  
 28

1 https://www.youtube.com/watch?v=-UsHJWEAj\_I. At approximately 8:42, Trump states that  
 2 Venezuelan “prisons are . . . at the lowest point in terms of emptiness that they’ve ever been”  
 3 because Venezuela was “taking their people out of those prisons by the thousands” and sending them  
 4 to the United States.



13. Attached as **Exhibit 12** is a true and correct copy of a certified transcript of the  
 14 January 15, 2025 confirmation hearing of Secretary Kristi Noem,<sup>1</sup> along with a screen grab below  
 15 from the video clip. The video is available for viewing at available at [https://www.c-](https://www.c-span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-at-confirmation-hearing/654484)  
 16 [span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-](https://www.c-span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-at-confirmation-hearing/654484)  
 17 [at-confirmation-hearing/654484](https://www.c-span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-at-confirmation-hearing/654484). At approximately 1:51:50, Secretary Noem states, “[TPS] has been  
 18 abused and manipulated by the Biden Administration, and that will no longer be allowed . . . and  
 19 these extensions going forward the way that they are.” Secretary Noem adds, “this extension [of  
 20 TPS] of over 600,000 Venezuelans [] is alarming when you look at what we’ve seen in different  
 21 states including Colorado with gangs doing damage and harming the individuals and the people that  
 22 live there.” The program was intended to be temporary[.]”



27 <sup>1</sup> Plaintiffs are unable to locate a transcript of Secretary Noem’s confirmation hearing through the  
 28 Government Printing Office or the website of the Committee on Homeland Security and  
 Governmental Affairs. Accordingly, Plaintiffs submit a certified copy of the transcript.

1       14. Attached as **Exhibit 13** is a true and correct copy of a certified transcript of a January  
 2 22, 2025 interview of President Donald Trump on Fox News with Sean Hannity, along with a screen  
 3 grab below from the video clip. The video is available for viewing at  
 4 <https://www.youtube.com/watch?v=mQUmy6gkwWg>. At approximately 18:26, President Trump  
 5 states, “jails and mental institutions from other countries and gang members right off the streets of  
 6 the toughest cities of the world are being brought to the United States of America and emptied out  
 7 into our country.”



14       15. Attached as **Exhibit 14** is a true and correct copy of a certified transcript of a January  
 15 29, 2025 interview of Secretary Kristi Noem on “Fox and Friends,” along with a screen grab below  
 16 from the video clip. The video is available for viewing at  
 17 <https://www.foxnews.com/video/6367942790112?msockid=30416397acd261bf24f1707bad686037>.  
 18 At approximately 1:00, Secretary Noem states, “today we signed an executive order within the  
 19 Department of Homeland Security and a direction that we were not going to follow through on what  
 20 he did to tie our hands, that we are going to follow the process, evaluate all of these individuals that  
 21 are in our country, including the Venezuelans that are here and members of TdA [transnational gang  
 22 Tren de Aragua]. Listen, . . . the people of this country want *these dirtbags* out. They want their  
 23 communities to be safe . . . So, this is part of our plan to make sure we are protecting America and  
 24 keeping it safe again, just like President Trump promised.” Secretary Noem described ending TPS  
 25 for Venezuelans as necessary in order to “evaluate all of these individuals that are in our country.”



16. Attached as **Exhibit 15** is a true and correct copy of a certified transcript of a  
 7 February 2, 2025 interview of Secretary Kristi Noem, Missouri Senator Eric Schmitt and Arizona  
 8 Senator Mark Kelly on the “Meet the Press,” along with a screen grab below from the video clip.  
 9 The video is available for viewing at <https://www.youtube.com/watch?v=FpeMXrvxHco>. At  
 10 approximately 16:25, Secretary Kristi Noem states “The TPP [sic] program has been abused and it  
 11 doesn’t have integrity right now.” At approximately 16:27, Secretary Kristi Noem states “Folks from  
 12 Venezuela that have come into this country are members of TdA. And remember, Venezuela  
 13 purposely emptied out their prisons, emptied out their mental health facilities and sent them to the  
 14 United States of America. So we are ending that extension of that program, adding some integrity  
 15 back into it, and this administration is evaluating all of our programs to make sure that they truly are  
 16 something that is to the benefit of the United States, so they are not for the benefit of criminals.”



#### ARTICLES AND PUBLICATIONS

25 17. Attached as **Exhibit 16** is a true and correct copy of an article by Josh Dawsey, dated  
 26 January, 12, 2018, titled *Trump Derides Protections for Immigrants from ‘Shithole’ Countries*,  
 27 WASH. POST, is available at <https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af->

1 31ac729add94\_story.html?utm\_term=.06cbc70bfaec. The article summarizes various statements by  
 2 President Trump, including about TPS.

3       18. Attached as **Exhibit 17** is a true and correct copy of an article by Dara Lind, dated  
 4 February 23, 2018, titled “*The Snake*”: *Donald Trump Brings Back His Favorite Anti-Immigrant*  
 5 *Fable at CPAC*, VOX, is available at [www.vox.com/policy-and-politics/2018/2/23/17044744/trump-snake-speech-cpac](http://www.vox.com/policy-and-politics/2018/2/23/17044744/trump-snake-speech-cpac). The article describes President Trump’s Conservative Political Action  
 6 Conference (CPAC) speech as “a fantasia on his favorite theme: Immigrants are dangerous and they  
 7 want to kill you.” The article recounts President Trump’s statements about immigrants: “These are  
 8 animals. They cut people. They cut them. They cut them up in little pieces, and they want them to  
 9 suffer. And we take them into our country.” The article describes how President Trump recited a  
 10 song “in which a snake [representing a migrant] asks to be taken into a woman’s home and repays  
 11 her for her charity by killing her.” According to the article, President Trump referred to singing the  
 12 song at events as “do[ing] the snake.” The article included the following song lyrics:

- 14           a.        “I saved you, cried the woman. And you’ve bitten me, heavens why? You know  
                   your bite is poisonous and now I’m going to die.”
- 15           b.        “Oh, shut up, silly woman, said the reptile with a grin. You knew damn well I  
                   was a snake before you took me in.”

16       According to the article, after reciting these lines, President Trump stated: “And that’s what we’re  
 17 doing with our country, folks. We’re letting people in. And it is going to be a lot of trouble. It is only  
 18 getting worse.”

19       19. Attached as **Exhibit 18** is a true and correct copy of An article by Julie Hirschfeld  
 20 Davis, dated May 16, 2018, titled *Trump Calls Some Unauthorized Immigrants ‘Animals’ in Rant*,  
 21 N.Y. TIMES, is available at [www.nytimes.com/2018/05/16/us/politics/trump-undocumented-immigrants-animals.html](http://www.nytimes.com/2018/05/16/us/politics/trump-undocumented-immigrants-animals.html). The article reports how President Trump, during a White House meeting,  
 22 stated in front of news cameras that “dangerous people were clamoring to breach the country’s  
 23 borders and branding such people ‘animals.’” According to the article, President Trump also told  
 24 reporters, “You wouldn’t believe how bad these people are. These aren’t people, these are animals,  
 25 and we’re taking them out of the country at a level and at a rate that’s never happened before.” The

1 article stated that “Mr. Trump’s heated remarks on immigration, both private and public, appear to  
 2 have resonated with his advisers, who have been moving to put in place ever-stricter policies in line  
 3 with the president’s vision.”

4       20. Attached as **Exhibit 19** is a true and correct copy of an article by Miriam Valverde,  
 5 dated May 17, 2018, titled *In Context: Donald Trump’s comments about immigrants, ‘animals,’*  
 6 POLITICO, is available at <https://www.politifact.com/truth-o-meter/article/2018/may/17/context-donald-trumps-comments-about-immigrants-an/>. The article recounts President Trump’s remarks at  
 7 a May 16, 2018 immigration roundtable discussion that “touched on so-called sanctuary cities, MS-  
 8 13 gang members, the federal ‘catch and release’ practice, and policies in California related to the  
 9 detention of immigrants.” President Trump stated “[w]e have people coming into the country, or  
 10 trying to come in—and we’re stopping a lot of them—but we’re taking people out of the country.  
 11 You wouldn’t believe how bad these people are. These aren’t people. These are animals. And we’re  
 12 taking them out of the country at a level and at a rate that’s never happened before.”

14       21. Attached as **Exhibit 20** is a true and correct copy of an article by Elijah T. Staggers,  
 15 titled *The Racialization of Crimes Involving Moral Turpitude*, is published in 12 Geo. J.L. & Mod.  
 16 Critical Race Persp. 17 (2020). The article traces the history undergirding “the modern tropes”  
 17 deployed against “Latinx immigrants.” Staggers argues that “the executive branch is, and has been  
 18 historically, manipulating the phrase ‘[crime involving] moral turpitude’ to systematically target,  
 19 condemn, and exclude racial groups deemed socially undesirable.” The article states that “[t]he  
 20 executive branch pursues this program by relying on longstanding tropes or stereotypes that certain  
 21 races have inherently immoral traits.”

22       22. Attached as **Exhibit 21** is a true and correct copy of an article by Deirdre Pfeiffer and  
 23 Xiaoqian Hu, titled *Deconstructing Racial Code Words*, is published in 58 LAW & SOC’Y REV. 294,  
 24 308 (2024). The article documents the use of racialized code words to justify “oppression of  
 25 Racial/Ethnic Minorities and immigrants.” Among other things, it study identifies “Parasite,”  
 26 “Contagion,” and “Villain” as examples of racial code words that convey tropes about Latine people,  
 27 depicting them as exploitative, harmful, and criminal.

1       23. Attached as **Exhibit 22** is a true and correct copy of a National Immigration Forum  
 2 Explainer article, dated January 23, 2024, titled *Asylum Backlogs*, is available at  
 3 <https://immigrationforum.org/article/explainer-asylum-backlogs/>. The article states that an asylum  
 4 applicant’s “estimated wait time is more than 6 years” for a claim before USCIS, and over four years  
 5 for a claim before EOIR. The article states that “[s]uch extensive delays can manifest as extreme  
 6 challenges for asylum seekers, making it harder for them to win their cases. Key witnesses may die.  
 7 Applicants may move. Country conditions may change. And [] asylum seekers struggle with the  
 8 uncertainty of whether they’ll be returned to danger.”

9       24. Attached as **Exhibit 23** is a true and correct copy of an article by Venezuela  
 10 Investigative Unit, dated April 1, 2024, titled *Is Venezuela’s Tren de Aragua ‘Invading’ the US?*,  
 11 INSIGHT CRIME, is available at <https://insightcrime.org/news/is-venezuelas-tren-de-aragua-invading-us/>. In the article, investigative journalists studying claims about Tren De Aragua’s (TdA) activity in  
 12 the previous year note that, “none of the [numerous] national, state, and local law enforcement  
 13 agencies contacted in the U.S. reported any significant presence of Tren de Aragua” in their  
 14 jurisdictions. The article further states that “[p]olice agencies in major urban areas across the United  
 15 States – including Los Angeles, Phoenix, Dallas, San Antonio, and Denver – told InSight Crime that  
 16 they had no reports of crimes committed by Tren de Aragua in their jurisdictions.” The article also  
 17 notes that a 2024 review of state and federal legal databases found zero “U.S. criminal cases  
 18 mentioning Tren de Aragua.”

20       25. Attached as **Exhibit 24** is a true and correct copy of an article by Maggie Haberman  
 21 and Michael Gold, dated April 7, 2024, titled *Trump, at Fund-Raiser, Says He Wants Immigrants*  
 22 *from ‘Nice’ Countries*, N.Y. TIMES, is available at  
 23 <https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html>. The article  
 24 details how President Trump, during a 2024 fundraising event, defended and reiterated his remarks  
 25 distinguishing between what he called “nice countries, you know like Denmark, Switzerland,” and  
 26 “Norway,” and “unbelievable places and countries, countries that are a disaster.” According to the  
 27 article, President Trump described migrants entering the United States through the Southern border  
 28

1 as, “coming in from prisons and jails. They’re coming in from just unbelievable places and  
 2 countries, countries that are a disaster.”

3       26. Attached as **Exhibit 25** is a true and correct copy of an article by John Bennett, dated  
 4 June 10, 2024, titled “*Dumping Ground*”: *Trump Echoes Conservative “Project 2025” at First*  
 5 *Rally as Felon*, ROLL CALL, is available at <https://rollcall.com/2024/06/10/dumping-ground-trump-echoes-conservative-project-2025-at-first-rally-as-a-felon>. The article recounts President Trump’s  
 7 remarks about immigrants: “we’re taking in people that are a disaster for our country. So it’s all  
 8 happening at our border . . . And we’re not going to let it happen, we’re not going to let them ruin  
 9 our country, we’re not going to let them destroy our country. . . . The whole country is being turned  
 10 into an absolute dumping ground[.]”

11       27. Attached as **Exhibit 26** is an article by Robert Farley and Catalina Jaramillo, titled  
 12 *Crime Drop in Venezuela Does Not Prove Trump’s Claim the Country Is Sending Criminals to U.S.*,  
 13 FACTCHECK.ORG (Jun. 14, 2024), is available at <https://www.factcheck.org/2024/06/crime-drop-in-venezuela-does-not-prove-trumps-claim-the-country-is-sending-criminals-to-u-s/>. The article states  
 15 that there is “no evidence that the Venezuelan government is emptying the prisons or mental  
 16 hospitals to send them out of the country[.]” The article quotes Carlos Nieto of a Venezuelan NGO  
 17 monitoring the prison situation in Venezuela stating: “there is nothing that can be affirmed that  
 18 establishes that there is an agreement, or that the Venezuelan government is helping criminals leave  
 19 Venezuela to go to the United States.” Nieto added: “there definitely is no official state policy to that  
 20 effect.” The article quotes Roberto Briceño-León, the founder and director of The Venezuelan  
 21 Observatory of Violence, that emigrants from Venezuela are “honest workers fleeing the country’s  
 22 poverty, looking for a job and a better future.” The article also noted that “the vast majority of those  
 23 fleeing Venezuela have settled in nearby South American countries.”

24       28. Attached as **Exhibit 27** is a true and correct copy of an article by Diana Roy and  
 25 Amelia Cheatham, dated July 31, 2024, titled *Venezuela: The Rise and Fall of a Petrostate*, Council  
 26 on Foreign Relations, is available at <https://www.cfr.org/backgrounder/venezuela-crisis>. Among  
 27 other things, the article cites a November 2022 survey that found that “50 percent of Venezuela’s 28  
 28 million residents live in poverty.”

1       29. Attached as **Exhibit 28** is a true and correct copy of an article by Ariana Figueroa,  
 2 dated August 23, 2024, titled *Trump Promises Mass Deportations of Undocumented People. How*  
 3 *Would That Work?*, MISSOURI INDEPENDENT, is available at  
 4 [https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-](https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-people-how-would-that-work/)  
 5 [people-how-would-that-work/](#). The article details President Trump's rhetoric related to  
 6 undocumented immigrants, including a March 2024 rally in which he stated, "I don't know if you  
 7 call them people. In some cases they're not people, in my opinion, but I'm not allowed to say that[.]"

8       30. Attached as **Exhibit 29** is a true and correct copy of an article by Jonathan Weisman,  
 9 dated September 15, 2024, titled *How the False Story of a Gang 'Takeover' in Colorado Reached*  
 10 *Trump*, N.Y. TIMES, is available at <https://www.nytimes.com/2024/09/15/us/politics/trump-aurora-colorado-immigration.html>. The article claims that President Trump perpetuated a false story on the  
 11 campaign trail of a gang takeover in Aurora, Colorado.

13       31. Attached as **Exhibit 30** is a true and correct copy of an article by Venezuela  
 14 Investigative Unit, dated October 4, 2024, titled *What We Know About Tren de Aragua's US*  
 15 *Presence*, INSIGHT CRIME, is available at <https://insightcrime.org/news/what-we-know-about-tren-de-araguas-us-presence/>.

17       32. Attached as **Exhibit 31** is a true and correct copy of an article by Kit Maher and Chris  
 18 Boyette, dated September 15, 2024, titled *JD Vance Defends Baseless Rumor About Haitian*  
 19 *Immigrants Eating Pets*, CNN, is available at <https://www.cnn.com/2024/09/15/politics/vance-immigrants-pets-springfield-ohio-cnntv/index.html>. According to the article, after President Trump  
 20 stated that Haitian TPS holders were "eating the dogs," "eating the cats," and "eating the pets of the  
 21 people that live" in Springfield, Ohio, the Governor of Ohio, Mike DeWine, "flatly denied the rumor  
 22 on Sunday and praised the immigrants for their positive influence on the community."

24       33. Attached as **Exhibit 32** is a true and correct copy of an article by Russell Contreras,  
 25 Delano Massey, and Erin Davis, dated October 5, 2024, titled *Trump keeps calling Venezuelan and*  
 26 *Congolese migrants criminals*, AXIOS, is available at <https://wwwaxios.com/2024/10/05/trump-migrants-venezuelan-congoles-rhetoric>. In the article, Axios analyzed of 109 of President Trump's  
 27 speeches, debates, and interviews found that he called Venezuelan migrants "criminals" at least

1 seventy times between September 1, 2023 to October 2, 2024. The article states that “[w]hile Trump  
 2 has repeatedly said undocumented immigrants are ‘poisoning the blood of our country’... [s]tudy  
 3 after study has found that immigrants commit less crime than their American-born counterparts.”

4       34. Attached as **Exhibit 33** is a true and correct copy of an article by Julia Ainsley, dated  
 5 October 23, 2024, titled *DHS is seeking more than 600 migrants for possible ties to Venezuelan*  
 6 *gang*, NBC News, is available at <https://www.nbcnews.com/news/dhs-identified-600-migrants-possible-ties-venezuelan-gang-rcna176020>. The article states that, as of October 2024, DHS was  
 7 seeking “more than 600 migrants in the U.S. who may have connections to [TdA] . . . according to  
 8 data obtained exclusively by NBC News.” Of these, DHS describes “roughly 100” as “confirmed”  
 9 gang members; the other 500 or more “could be” victims or witnesses. The article explores President  
 10 Trump’s campaign trail claim that TdA members had “invaded and conquered” Aurora, Colorado.  
 11 The article reports that Aurora’s police chief and its mayor told NBC News last month that “Trump’s  
 12 claims about the gang are grossly exaggerated.” According to the article, while President Trump  
 13 “highlighted crimes TDA members [had] committed against Americans,” a DHS official said “the  
 14 vast majority of TDA victims are Venezuelan migrants.”

16       35. Attached as **Exhibit 34** is a true and correct copy of an article by Charles Larratt-  
 17 Smith and John Polga-Hecimovich, dated December 9, 2024, and titled *How Much of a Threat is*  
*Tren de Aragua in the U.S.?*, AMERICAS QUARTERLY, (Dec. 9, 2024), is available at  
 19 <https://americasquarterly.org/article/how-much-of-a-threat-is-tren-de-aragua-in-the-u-s/>. The article  
 20 states that “nearly no claims made by U.S. law enforcement about crimes committed by purported  
 21 members of TdA have been substantiated by hard evidence that directly connects the accused with  
 22 the organization in Venezuela.” The authors add that, “it’s unlikely the group has much power or  
 23 reach in the U.S., where other organized criminal organizations pose much more of a threat to  
 24 citizens and TdA itself.”

25       36. Attached as **Exhibit 35** is an article by Silvia Foster-Frau et al., dated February 16,  
 26 2025, titled *Relatives and Records Cast Doubt on Guantánamo Migrants Being ‘Worst of the Worst’*,  
 27 WASH. POST, is available at <https://www.washingtonpost.com/immigration/2025/02/16/trump-guantanamo-migrants-deportations-venezuela/>.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed this 20th day of February 2025.  
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4

5 */s/ Emilou MacLean*  
6 Emilou MacLean  
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